

to Cejka et al, and instead has introduced the rejection of claims 1-3, 5-8, 20 and 24 under 35 U.S.C. § 103(a) as rendered obvious by the Cejka reference. While the Examiner recognizes, inter alia, that the Cejka reference fails to disclose the presently claimed coefficient of friction, the Examiner argues that such features are obvious to one of ordinary skill in the art.

Applicants respectfully traverse. Without prejudice to presenting any additional arguments with respect to the differences between the rejected claims and the Cejka reference, Applicants respectfully submit that the Cejka reference does not qualify as prior art against the rejected claims under 35 U.S.C. § 103(a). The Cejka reference is disqualified as prior art against the rejected claims according to 35 U.S.C. § 103(c), since both the Cejka reference and the present application were under a common obligation of assignment to 3M Innovative Properties Company at the time the present invention was made, as evidenced by the recorded assignments in each of the corresponding applications. Applicants therefore respectfully request the withdrawal of the rejection.

Claim Rejections With Respect to the Crawley Reference

The Examiner rejects claims 1-3, 5-7, 9-10, 19-20 and 24 under 35 U.S.C. § 103(a) as obvious in light of the disclosure of U.S. Pat. No. 5,948,707 (Crawley et al.). Although the Examiner again recognizes that the Crawley reference fails to explicitly disclose either the claimed coefficient friction or the claimed aspect ratio, the Examiner otherwise maintains that the reference discloses, either expressly or inherently, all of the salient features of the rejected claims. The Examiner also continues his rejection of claims 11-18 under 35 U.S.C. § 103(a) as obvious over the disclosure of the Crawley reference in view of U.S. Patent No. 4,204,532 (Lind), relying on the Lind reference for specific disclosure of an intermediate fenestration material, and the Examiner continues his rejection of claim 23 under 35 U.S.C. § 103(a) as obvious in light of the Crawley reference in combination with U.S. Patent No. 3,972,328 (Chen), relying on Chen for disclosure of the addition of an antioxidant material.

Applicants believe these various grounds of rejection are rendered moot in view of the accompanying claim amendments and the following arguments. The Crawley reference discloses certain non-slip, waterproof and water permeable fabrics made by applying a discontinuous coating of "dots" or other such shapes on one surface of a permeable film (see, e.g., Abstract). The Examiner relies principally on the disclosure at col. 7, lines 20-25 which describes, in only the most general terms, the application of several alternative geometries to hemispherical dots (having, at most, an aspect ratio of 1.0). The Examiner then takes the position that it would be a matter of routine experimentation to arrive at geometries having the instantly claimed aspect ratio of at least about 1.25.

Applicants submit that this reasoning reads too much into the disclosure of the Crawley reference. The reference teaches only applying the discontinuous raised pattern by coating or printing methods (see col. 7, lines 5-10). These methods are known in the art for producing only relatively thin coatings. This is evidenced in the only two Examples in the reference. Example 1 notes that "[t]he dots appeared to be raised slightly above the surface" of the film (col. 10, lines 8-10), and Example 2 similarly notes that "[i]n the case of all patterns used, the non-slip pattern appeared to rise slightly above the . . . film when viewed by the naked eye." (col. 11, lines 19-21). In light of the complete absence of any teaching to make a raised pattern with an aspect ratio of at least about 1.25, this teaching is wholly inadequate to render the subject matter of the rejected claims obvious.

Applicants have also clarified the nature of the presently claimed articles as having the stems formed integrally with the backing layer, which further distinguishes the articles over the coated raised patterns of the Crawley reference.

Moreover, with respect to rejected claim 14, which is directed to the presence of micro-channels between the claimed stems, the Examiner argues that the permeable nature of the backing film disclosed by Crawley meets this limitation. Applicants respectfully disagree. Even assuming the backing film of the Crawley reference may be considered to include "micro-channels," such channels are not "between the stems along at least a portion of the exterior of the first surface of the backing layer" as recited in claim 14.

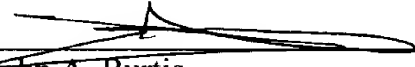
For at least these several reasons, Applicants submit that the rejected claims are patentable over the Crawley reference under 35 U.S.C. § 103(a). Also, since neither of the cited secondary references cure this defect in the teaching of Crawley, and are not relied upon for such, the rejected claims are also patentable over Crawley in view of the Lind and Chen references.

In view of the arguments and amendments offered herein, Applicants respectfully submit that the Examiner's grounds for objection and rejection are overcome and respectfully solicit reconsideration and withdrawal of the rejections and allowance of the application.

Respectfully submitted,

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By: _____


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Version with markings to show amendments made:

In the Abstract

Friction control articles for use in healthcare applications, the articles generally comprising a backing layer having a first surface and a second surface, where projecting from the first surface of the backing layer is an array of stems, wherein at least a portion of the exterior surface of the stems comprises an elastomeric material. Also disclosed are friction control articles having a coefficient of friction when dry along at least a portion of the first surface [is] of at least 0.6. Multilayered and dual-sided friction control articles are also provided.

In the Claims

1. A medical drape comprising:

a backing layer having a first surface and a second surface, where projecting from the first surface of the backing layer is an array of stems which are integrally formed with the backing layer;

wherein at least a portion of the exterior surface of the stems comprises an elastomeric material selected from the group consisting of anionic triblock copolymers; thermoplastic elastomers based on halogen-containing polyolefins; thermoplastic elastomers based on dynamically vulcanized elastomer-thermoplastic blends; thermoplastic polyether ester and polyester based elastomers; thermoplastic elastomers based on polyamides or polyimides; ionomeric thermoplastic elastomers; hydrogenated block copolymers in thermoplastic elastomer interpenetrating polymer networks; thermoplastic elastomers made by carbocationic polymerization; polymer blends containing styrene/hydrogenated butadiene block copolymers; polyacrylate-based thermoplastic elastomers; natural rubbers; butyl rubbers; EPDM rubbers; silicone rubbers; polyisoprenes; polybutadienes; polyurethanes; ethylene/propylene/diene terpolymer elastomers; chloroprene rubbers; random and

block styrene-butadiene copolymers; random and block styrene-isoprene copolymers; acrylonitrile-butadiene copolymers; and mixtures and copolymers thereof;

wherein the aspect ratio of the stems on the first surface of the backing layer is at least about 1.25; and

wherein the drape has a static coefficient of friction when dry along at least a portion of the first surface is at least 0.6.

24. A medical drape comprising:

a backing layer having a first surface and a second surface, where projecting from the first surface of the backing layer is an array of stems which are integrally formed with the backing layer;

wherein the aspect ratio of the stems on the first surface of the backing layer is at least about 1.25; and

wherein the drape has a static coefficient of friction when dry along at least a portion of the first surface is at least 0.6.